

FILED

MAY 22 2015

Clerk, U S District Court
District Of Montana
Billings

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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. DRUMLUMMON GOLD CORPORATION, and SEIBERT SMITH, Defendants.	CR 15-06-H-CCU INDICTMENT FALSE STATEMENTS IN MINE RECORDS (COUNT I) Title 30 U.S.C. § 820(f);18 U.S.C. § 2 (Penalty: Individual - five years imprisonment, \$250,000 fine, and three years supervised release; corporation- \$500,000 fine) FALSE STATEMENTS WITHIN JURISDICTION OF UNITED STATES (COUNT II) Title 18 U.S.C. § 1001(a)(3);18 U.S.C. § 2 (Penalty: Individual - five years imprisonment, \$250,000 fine, and three years supervised release; corporation- \$500,000)
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THE GRAND JURY CHARGES:

COUNT I

That on or about March 12, 2013, at Marysville, in Lewis and Clark County, within the State and District of Montana, the defendants, DRUMLUMMON GOLD CORPORATION and SEIBERT SMITH, knowingly made a false statement and representation in a record required to be maintained pursuant to the Mine Safety and Health Act (MSHA, 30 U.S.C. §801 et. seq.) in that Mine Safety Supervisor defendant SEIBERT SMITH falsely represented on U.S. Department of Labor Mine Safety and Health Administration Certificate of Training Form 5000-23 that employee D.W. had received training to operate a Bobcat 3400XL on September 15, 2011, when in truth and in fact, as the defendants DRUMLUMMON GOLD CORPORATION and SEIBERT SMITH then well knew, employee D.W. had not received such training on September 15, 2011, in violation of 30 U.S.C. § 820(f) and 18 U.S.C. § 2.

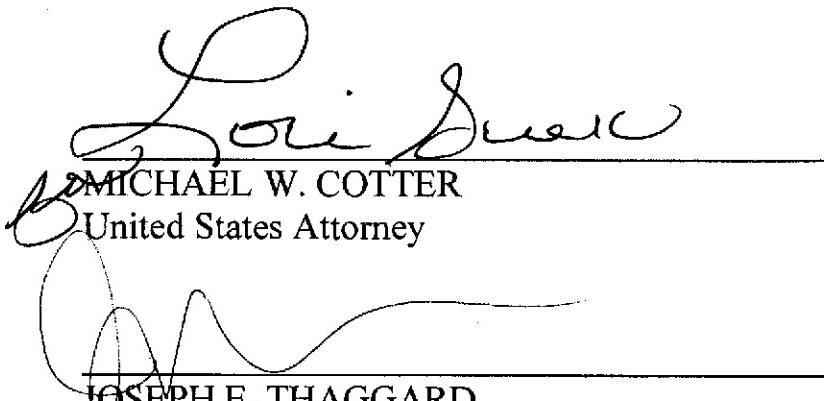
COUNT II

That on or about March 12, 2013, at Marysville, in Lewis and Clark County, within the State and District of Montana, the defendants, DRUMLUMMON GOLD CORPORATION and SEIBERT SMITH did knowingly and willfully make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement in a matter within the jurisdiction of the U.S. Department of Labor Mine Safety and Health Administration (MSHA) in that,

the defendants, DRUMLUMMON GOLD CORPORATION and SEIBERT SMITH, presented a U.S. Department of Labor Mine Safety and Health Administration Certificate of Training Form 5000-23 to MSHA inspector D.S., that contained the materially false representation that employee D.W. had received training to operate a Bobcat 3400XL on September 15, 2011, when in truth and in fact, as the defendants DRUMLUMMON GOLD CORPORATION and SEIBERT SMITH then well knew, employee D.W. had not received such training on September 15, 2011, in violation of 18 U.S.C. § 1001(a)(3) and 18 U.S.C. § 2.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.



Lori Suer
MICHAEL W. COTTER
United States Attorney

JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons 10/14/15 @ 10:00 AM
Warrant: _____ JCL, MSLA
Bail: _____